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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 MATTHEW HOUSTON, Case No. 2:19-cv-01475-GMN-EJY
10 v. Petitioner,
11 JERRY HOWELL, et al.,
12 Respondents.
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ORDER

14 Petitioner Matthew Houston has submitted a *pro se* petition for writ of habeas
15 corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). His application to proceed *in*
16 *forma pauperis* is granted. The court has reviewed the petition pursuant to Habeas
17 Rule 4 and finds that it must be dismissed for failure to state a claim cognizable in
18 federal habeas corpus.

19 This court may entertain a petition for writ of habeas corpus “in behalf of a person
20 in custody pursuant to the judgment of a State court only on the ground that he is in
21 custody in violation of the Constitution or laws or treaties of the United States.” 28
22 U.S.C. § 2254(a). Alleged errors in the interpretation or application of state law do not
23 warrant habeas relief. *Hubbart v. Knapp*, 379 F.3d 773, 779-80 (9th Cir. 2004).

24 Here, Houston argues that he was charged and convicted of a felony when he
25 should have been charged with a misdemeanor and also argues that his previous
26 judgments of convictions were the result of malicious prosecution. These are state-law
27 issues. They are not cognizable in federal habeas. Further, Houston has now been
28 paroled; his claims that he was kept in prison past his parole date and that his bail was

1 excessive are now moot (see also Case No. 2:19-cv-01360-RFB-VCF, ECF No. 15).
2 Accordingly, this petition is dismissed for failure to state a claim cognizable in federal
3 habeas corpus.¹

4 The court will not issue a certificate of appealability, as reasonable jurists would
5 not debate the dismissal of this petition.

6 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
7 *pauperis* (ECF No. 4) is **GRANTED**.

8 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the petition (ECF
9 No. 1-1).

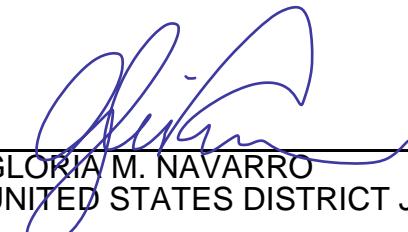
10 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** for failure to state a
11 claim cognizable in federal habeas corpus.

12 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

13 **IT IS FURTHER ORDERED** that petitioner's motions for extension of time and
14 motion to compel (ECF Nos. 3 and 6) are both **DENIED** as moot.

15 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and
16 close this case.

17 DATED: 10 October 2019.



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21 GLORIA M. NAVARRO
22 UNITED STATES DISTRICT JUDGE
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27 ¹ The court also notes that Houston states on the face of his petition that he is currently pursuing state
28 postconviction relief; thus, he may not have exhausted his claims in state court. While not entirely clear, it
appears from the Eighth Judicial District Court online docket that Houston may have a state postconviction
habeas corpus petition pending.